

ENTERED

January 30, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

JOSEPH D. GILBERTI,

Plaintiff,

v.

ELON MUSK, ET AL.,

Defendants.

§
§
§
§
§
§
§
§
§
§

Civil Action No. 7:24-CV-00378

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pro se Plaintiff Joseph D. Gilberti seeks \$50 billion in damages for a claimed large-scale conspiracy involving celebrities, politicians, and international organizations to restrict access to an endless supply of healthy water. (*See* Dkt. No. 1 at 1–3, 10). He has also filed an “Application to Proceed in District Court Without Prepaying Fees of Costs,” (Dkt. No. 3), seeking in forma pauperis (IFP) status to proceed with his lawsuit without paying the required \$405 filing fee.

Pending before the Court is the January 10, 2025, Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Nadia S. Medrano. (Dkt. No. 4). Judge Medrano found discrepancies in Plaintiff’s IFP filings: although Plaintiff claims no income and minimal funds, his inmate trust account reflects deposits totaling \$2,699.12 over seven months. (*Id.* at 2–3) (citing Dkt. No. 3 at 4–11). Based on these findings, Judge Medrano concluded that Plaintiff has not shown that he is sufficiently impoverished to qualify for IFP status. (*Id.*). Therefore, the M&R recommends denying Plaintiff’s IFP application. (*Id.* at 1, 3).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On January 27, 2025, Plaintiff filed an objection challenging Judge Medrano’s finding that he does not qualify for IFP status. (*See* Dkt. No. 5 at 1–3). In support of his objection, Plaintiff asserts – among other points – that he was granted IFP status in other cases and that his claims are not frivolous. (*Id.*).

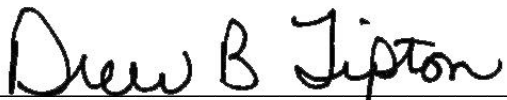
In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Magistrate Judge Medrano’s M&R, (Dkt. No. 4), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court;
- (2) Plaintiff’s Application to Proceed in District Court Without Prepaying Fees or Costs, (Dkt. No. 3), is **DENIED**; and
- (3) Plaintiff has thirty (30) days from the date of this Order to pay the required filing fee.

It is SO ORDERED.

Signed on January 29, 2025.


DREW B. TIPTON
UNITED STATES DISTRICT JUDGE